

Hoagland Longo

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

IN RE: NEW YORK CITY  
ASBESTOS LITIGATION

Hon. Joan A. Madden

Plaintiff(s),  
**KARL H. FELTEN and ELLEN FELTEN**

INDEX NO. 114005-06

vs.

Defendant(s),  
**A.C. & S., et al.**

INDEX NO. 114274-06

Plaintiff(s),  
**JACK NACHT**

vs.

Defendant(s),  
**A.C. & S., et al.**

INDEX NO. 117176-06

Plaintiff(s),  
**HARVEY AND LEONE HELFAND**

vs.

Defendant(s),  
**A.C. & S., et al.**

INDEX NO. 114120-06

Plaintiff(s),  
**CHRISTIAN HOLINKA**

vs.

Defendant(s),  
**A.C. & S., et al.**

NOTICE OF WRITTEN PETITION

~~PLEASE TAKE NOTICE that, upon the Petition of Alan I. Dunst, Esq., dated August 1,~~

Hoagland, Longo,  
Moran, Dunst  
& Doukas, LLP  
Attorneys at Law

156 Williams Street  
11th Floor  
New York, NY 10035

2007 and upon the supporting and sponsoring Affirmation of Shazia Chaudhri deWit, Esq., sworn to the 1<sup>st</sup> day of August, 2007, Petitioner will move this Court at Room 351, Part 11 of the Supreme Court of the State of New York, County of New York, New York, on \_\_\_\_\_, 2007, at 9:30 am or as soon thereafter as the party or his counsel may be heard, for an Order permitting Alan I. Dunst,

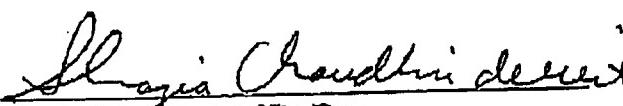
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Esq. to be admitted *pro hac vice* to advise and represent defendants Mannington Mills, Inc., York International Corporation and Fisher Scientific International Inc. in the trial or argument of all matters in which defendants Mannington Mills, Inc., York International Corporation and Fisher Scientific International Inc. have an interest before this Court.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served not less than 1 day before the return date.

Dated: August 1, 2007

  
Shazia Chandri deWit, Esq.  
Hoagland Longo Moran Dunst & Doukas, LLP  
156 William Street, New York, New York  
Attorneys for Mannington Mills, Inc., York  
International Corporation and Fisher Scientific  
International Inc.

Hoagland, Longo,  
Moran, Dunst  
& Doukas, LLP  
Attorneys at Law

156 Williams Street  
11th Floor  
New York, NY 10035

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**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

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**IN RE: NEW YORK CITY  
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Hon. Joan A. Madden

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vs.

**AFFIRMATION OF SHAZIA  
CHAUDHRI DEWIT IN SUPPORT OF  
MOTION FOR ADMISSION PRO HAC  
VICE OF ALAN I. DUNST, ESQ.**

**Defendant(s),  
A.C. & S., et al.**

Hoagland, Longo,  
Moran, Dunst  
& Doukas, LLP  
Attorneys at Law

158 Williams Street  
11th Floor  
New York, NY 10035

Shazia Chaudhri deWit, an attorney admitted to practice in the Courts of this State affirms the truth of the following under the penalties of perjury:

1. I am an attorney duly admitted to practice before the Courts of the State of New Jersey and New York. I am an associate in the law firm of Hoagland, Longo, Moran, Dunst &

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Doukas, LLP, with offices located at 156 William Street, New York, New York and 40 Paterson Street, New Brunswick, New Jersey.

2. I am one of the attorneys for defendants Mannington Mills, Inc., York International Corporation, and Fisher Scientific International Inc. in the above-captioned actions pending before this Court and I make this affirmation in support of a motion to admit *pro hac vice* an out-of-state counselor to participate in the defense of these actions.

3. Mannington Mills, Inc., York International Corporation, and Fisher Scientific International Inc. have respectfully requested that Alan I. Dunst, Esq. of the law firm of Hoagland, Longo, Moran, Dunst & Doukas, LLP, participate as co-counsel in the defense of these actions.

4. Mr. Dunst's qualifications are set forth in his supporting certification, which is annexed hereto as Exhibit "A". Additionally, our office is in the process of obtaining a Certificate of Good Standing on behalf of Mr. Dunst and will supplement this application upon receipt of same.

5. This litigation will be materially advanced on behalf of Defendants Mannington Mills, Inc., York International Corporation, and Fisher Scientific International Inc. by the admission of Mr. Dunst due to his familiarity with all three clients and the products involved in these cases, as well as his prior involvement in our New Jersey asbestos-related lawsuits involving these clients. A review of the accompanying affidavit demonstrates that he meets the requirements set forth in Section 520.11 of the Rules of the Court of Appeals for admission *pro hac vice* since he is a member

Hoagland, Longo,  
Moran, Dunst  
& Doukas, LLP  
Attorneys at Law

156 Williams Street  
11th Floor  
New York, NY 10036

in good standing of the New Jersey State Bar and he is otherwise qualified to serve as co-counsel in these matters.

WHEREFORE, an Order is respectfully requested to admit Alan I. Dunst, Esq. to serve as co-counsel for Defendants Mannington Mills, Inc., York International Corporation, and Fisher

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Scientific International Inc. along with Defendants' present attorney of record.

Dated: August 1, 2007

New York, New York

*Shazia Chaudhri DeWitt*  
SHAZIA CHAUDHRI DEWIT

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Moran, Dunn  
& Dowd, LLP  
Attorneys at Law

156 Williams Street  
11th Floor  
New York, NY 10036

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

IN RE: NEW YORK CITY  
ASBESTOS LITIGATION

Hon. Joan A. Madden

Plaintiff(s),

KARL H. FELTEN and ELLEN FELTEN

INDEX NO. 114005-06

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INDEX NO. 114120-06

Plaintiff(s),  
CHRISTIAN HOLINKA

vs.

CERTIFICATION OF ALAN L DUNST,  
ESQ. IN SUPPORT OF ADMISSION  
PRO HAC VICE

Defendant(s),  
A.C. & S., et al.

I, Alan L. Dunst, Esq., do hereby certify as follows:

1. I am a partner in the law firm of Hoagland, Longo, Moran, Dunst & Doukas, LLP

with offices at 40 Paterson Street, New Brunswick, New Jersey. I respectfully submit this certification in support of my application for admission pro hac vice to the Bar of the State of New York for the purpose of appearing in the above-captioned civil actions on behalf of Defendants Mannington Mills, Inc., York International Corporation, and Fisher Scientific International Inc.

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& Doukas, LLP  
Attorneys at Law

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2. I am a member in good standing of the Bar of the State of New Jersey and was admitted to practice in New Jersey on June 20, 1973. I am also admitted and in good standing in the United States District Court of New Jersey as of November 28, 1972, and the United States Court of Appeals 3<sup>rd</sup> Circuit as of September 15, 1980.

3. No disciplinary proceedings are pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction.

4. Defendants Mannington Mills, Inc. York International Corporation, and Fisher Scientific International have retained the law firm of Hoagland, Longo, Moran, Dunst & Doukas, LLP to represent them as local counsel in the defense of these asbestos product liability actions. The law firm of Hoagland, Longo, Moran, Dunst & Doukas, LLP shall remain as attorneys of record in these matters and its New York attorneys shall continue to sign all future pleadings, briefs, and other papers to be filed with the Court.

5. I work closely with my firm's environmental department in defending our asbestos-related clients through trial. I have thoroughly reviewed the files relating to the instant matters and am fully familiar with the factual and legal issues involved. It is these three Defendants' specific request that I participate in representing it in all aspects of this action.

6. Additionally, the relevant issues in these lawsuits involve areas in which I have had experience, including the defense of asbestos product liability actions on behalf of the firm's other clients in other jurisdictions.

7. My appearance *pro hac vice* on behalf of Defendants Mannington Mills, Inc., York International Corporation, and Fisher Scientific International Inc. would serve the best interests of my clients and would in no way prejudice Plaintiffs or impede the progress of the litigation. I believe that my expertise and relationship with these three clients would help facilitate the completion of discovery and promote an expeditious resolution of these matters.

Hoagland, Longo,  
Moran, Dunst  
& Doukas, LLP  
Attorneys at Law

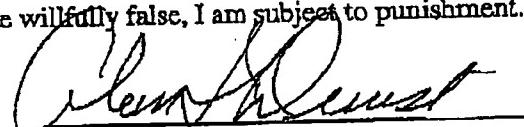
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8. Accordingly, I respectfully request that the Court grant my application for admission pro hac vice.

9. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
ALAN I. DUNST, ESQ.

Sworn to before me this  
15<sup>th</sup> day of August, 2007

  
Notary Public

Hoagland, Longo,  
Moran, Dunst  
& Doukas, LLP  
Attorneys at Law

158 William Street  
11th Floor  
New York, NY 10035

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SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF NEW YORK

KARLE H. FELTEN and ELLEN FELTEN.

X Index No. 114005/06

Plaintiff(s)  
 Against  
 A.C. & S., ET AL,

Affidavit of Service of  
 Order to Show Cause

Defendant(s)

X

## STATE OF NEW JERSEY, COUNTY OF MONMOUTH, SS:

The undersigned, being duly sworn, deposes and says: deponent is not a party herein. Is over 18 years of age and resides at MONMOUTH COUNTY, N.J.

That on August 06, 2007 at 05:35 PM at the address

180 MAIDEN LANE  
 NEW YORK, NY 10038

deponent served the within Order to Show Cause

UPON: WEITZ &amp; LUXENBERG, PC\*

By personally delivering a true copy of the Order to Show Cause to LISA BUSCH, managing agent thereof.

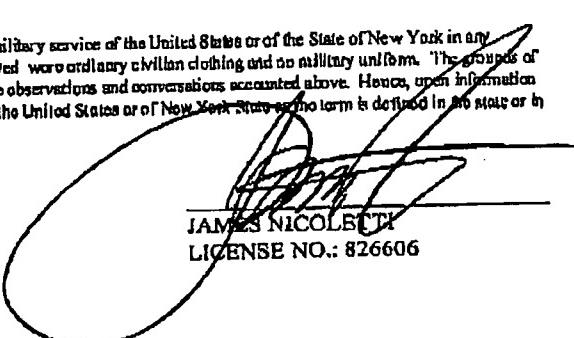
Deponent describes the person actually served as follows:

SEX: FEMALE  
 SKIN: White  
 HAIR: Brown  
 AGE: 36-50  
 HEIGHT: 5'4"-5'8"  
 WEIGHT: 100-130

I asked the person spoken to whether said served was in active military service of the United States or of the State of New York in any capacity whatsoever and received a negative response. Said served wore ordinary civilian clothing and no military uniform. The grounds of this belief and the source of my information in this regard are the observations and conversations accounted above. Hence, upon information and belief, I assert that the recipient is not in military service of the United States or of New York State as no term is defined in the state or in the Federal statutes.

*Sworn to before me this 7th day of August, 2007*

*[Signature]*  
 REGENIA HYMAN  
 NOTARY PUBLIC STATE OF NEW YORK  
 NO: 01HY6045811  
 QUALIFIED IN NEW YORK COUNTY  
 COMMISSION EXPIRES: July 31, 2010

  
 JAMES NICOLETTI  
 LICENSE NO.: 826606

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AFFIDAVIT OF SERVICE

HELENA CAMPBELL, being duly sworn deposes and says I am an employee of Hoagland, Longo, Moran, Dunst & Doukas, LLP, the attorneys for Defendant, York International Corporation, Mannington Mills and Fisher Scientific.

That on the 7 day of August, 2007 a copy of the within Order to Show Cause for Pro Hac Vice Admission of Alan I. Dunst, Esq., was served, via hand delivery [Addressee original document sent to: James Long, Esq., Weitz & Luxenberg, 180 Maiden Lane, New York NY 10038] and one copy to the following attorneys on the attached service list via fax.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SERVICE RIDER

Benjamin Darche, Esq.  
Weitz & Luxenberg  
180 Maiden Lane  
New York, NY 10038-4925  
(Counsel for Plaintiff)

Judith Yavitz, Esq.  
Anderson, Kill & O'Lick, P.C.  
1251 Avenue of the Americas  
New York, NY 10020  
(Counsel for Amchem Products, Inc. and Certain Teed Corporation)

Carol M. Tempesta, Esq.  
Marks, O'Neill, O'Brien & Courtney, P.C.  
530 Saw Mill River Road  
Elmsford, NJ 10523  
(Counsel for Corning Glass, k/n/a Corning Incorporated  
VWR International, Inc. and Univar USA Inc.)

Hoagland, Longo,  
Moran, Dunst  
& Doukas, LLP  
Attorneys at Law  
  
156 Williams Street  
11th Floor  
New York, NY 10035

Greg A. Dadika, Esq.  
Reed Smith LLP  
136 Main Street, Suite 250  
Princeton Forrestal Village  
Princeton, NJ 08540  
(Counsel for Manorcare Health Services, Inc., d/b/a Manor Care, Inc.)

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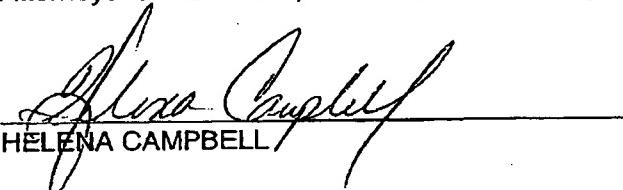
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Timothy Fraser, Esq.  
Drinker, Biddle & Reath, LLP  
500 Campus Drive  
Florham Park, NJ 07932-1047  
(Counsel for Baxter Healthcare Corporation)

David F. Abernethy, Esq.  
Drinker, Biddle & Reath, LLP  
One Logan Square  
18th & Cherry Streets  
Philadelphia, PA 19019  
(Counsel for VWR International, Inc and Univar USA Inc.)

McCarter & English  
245 Park Avenue, 27th Floor  
New York, NY 10167-2801

HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP  
Attorneys for Defendant, York International Corporation, Mannington Mills and Fisher Scientific

  
HELENA CAMPBELL

Sworn to before me this 7 day of  
August, 2007

  
NOTARY PUBLIC

MARIE FIORELLO  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Feb. 17, 2009

Hoagland, Longo,  
Moran, Dunst  
& Doukas, LLP  
Attorneys at Law

158 Williams Street  
11th Floor  
New York, NY 10035